

From: [Robert Hammond](#)
To: [Robert Hammond](#)
Subject: [Non-DoD Source] Fwd: Navy Fraud + Appeal of DON 18-BJ +FW: Final Disposition, Request DON-NAVY-2018-003476
Date: Saturday, November 10, 2018 9:53:00
Attachments: [DON-NAVY-2018-003476 Invoice-20181107065111457.pdf](#)
[2018-003476 Resp to Req.pdf](#)
[BUMED, Garcia, acknowledgement DON-NAVY-2018-003476.docx](#)

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

This is being forwarded widely to several hundred FOIA/PA officials and interested parties within DOD and Federal agencies as a recent example of what I believe to be FRAUD on the part of some within the Department of Navy. It will be interesting to see what action Navy leadership takes in this instance, as the underlying records relate to the accuracy or inaccuracy of Navy's Privacy Act reporting to Congress.

NAVY FRAUD?? The underling request seeks reports sent to and received by Navy's Bureau of Medicine and Surgery, (BUMED). The request was submitted to BUMED via FOIAonline (see Ms. Garcia's acknowledgement email attached). BUMED improperly deemed it a complex request. Over nine months later, DONFOIA-PA, a completely different Navy entity, who would not have responsive records, cleared the request by stating that they had conducted a search for "records within our own files." In my view this is fraud.

Let the records speak for themselves.

----- Forwarded message -----

From: Bob Hammond <perseverance2013@aol.com < Caution-[mailto:\(b\) \(6\)](#) > >
Date: Sat, Nov 10, 2018 at 9:21 AM
Subject: Navy Fraud + Appeal of DON 18-BJ +FW: Final Disposition, Request DON-NAVY-2018-003476
To: <(b) (6) < Caution-[mailto:\(b\) \(6\)](#) > >, (b) (6) <
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Cc: Faison, <Modly>, <(b) (6) < Caution-[mailto:\(b\) \(6\)](#) > >, <bumed foia@med.navy mil < Caution-[mailto:bumed foia@med.navy mil](#) > >, Robert Hammond
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Caution-[mailto:\(b\) \(6\)](#) >>>

Please see appeal below.

Vice Admiral Faison (BUMED), Honorable Mr. Modly (DON CIO), Ms. Garcia BUMED FOIA, Ms. Patterson (DONFOIA-PA), please preserve all potentially responsive records and records of your searches for judicial review and potential review in other venues.

The actions taken by DONFOIA-PA in this instance are improper and, in my view, will not serve the Navy or DOD well. Pls see "NAVY FRAUD" below.

What is Navy leadership's position? Will this improper action be reversed? What standards of ethics, accountability and conduct are being set for Navy?

Robert Hammond

(b) (6)

(b) (6) < Caution-[mailto:\(b\) \(6\)](#) >

November 10, 2013

Office of the Judge Advocate General

General Litigation Division (Code 14)

1322 Patterson Ave., SE, Suite 3000

Washington Navy Yard, DC 20374-5066

Via; Caution-<https://foiaonline.regulations.gov> < Caution-<https://foiaonline.regulations.gov> >

Subject: Appeal of FOIA Request DON 18-BJ. Navy Medicine National Capital Area Input to BUMED; FY 2009 - 2014 Quarterly Privacy Act Reports

DON Assigned Agency FOIA Case Number DON-NAVY-2018-003476

References: (a) The Freedom of Information Act (FOIA)

(b) The Privacy Act

(c) CFR 164.526

(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(e) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

(f) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011: "Your Right to Federal Records" (see Caution-<http://publications.usa.gov/USAPubs.php?PubID=6080> < Caution-<http://publications.usa.gov/USAPubs.php?PubID=6080> >)

(g) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(h) Department of Justice Freedom of Information Act Guide, May 2004 at Exemption 6
Caution-<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6> <
Caution-<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6> >

(i) The Freedom of Information Act (FOIA) Improvement Act of 2016 (Public Law No. 114-185) <
Caution-<https://www.congress.gov/114/bills/s337/BILLS-114s337enr.xml> > , available at
Caution-<https://www.justice.gov/oip/freedom-information-act-5-usc-552> <
Caution-<https://www.justice.gov/oip/freedom-information-act-5-usc-552> >

*** This appeal will be timely for judicial review within twenty working days ***

Dear Sir:

I am submitting this appeal under the references above for my FOIA request at Attachment A. The Agency's (truncated) reply is at Attachment B, which includes improperly redacted records under privacy exemption (b)(6).
*Note that NME improperly Assigned the same number 18-08 to two distinctly different requests submitted on different dates.

NAVY FRAUD. The underling request seeks reports sent to and received by Navy's Bureau of Medicine and Surgery (BUMED). The request was submitted to BUMED via FOIAonline. Della Garcia, BUMED's FOIA Officer accepted the FOIA Request and then deemed it a complex request, when it is not. Over nine months later, DONFOIA-PA, a completely different Navy entity, who would not have responsive records, cleared the request in FOIAonline by stating that they had conducted a search for "records within our own files." In my view this is fraud.

RECORDS SOUGHT VIA FOIA.

I am respectfully seeking for your Command:

1. All of Navy Medicine National Capital Area Input to BUMED for FY 2009 - 2014 Quarterly Privacy Act Reports, including the forwarding correspondences thereof (whether by email, fax or other) and any attachments.
2. I am also seeking any FY 2013 data call emails governing reporting.
3. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request. REQUESTED FORMAT.
4. I am requesting that documents provided as a single PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done. This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

BASIS FOR APPEAL

1. I am appealing that the Agency failed to return a copy of my FOIA request, which is an agency record in their possession that is responsive to my request. DON JAG must sustain this appeal on that basis alone.
2. I am appealing that DONFOIA-PA improperly responded to this request and closed it in FOIAonline, when it is a request specifically seeking records of BUMED. DONFOIA-PA's purported search for "records within our own files" is completely meaningless, as DONFOIA-PA would not possess these records. This is fraud, in my view.
3. I am appealing that Navy BUMED's Della Garcia accepted this request on January 23, 2018, but has not provided any response whatsoever, nor has BUMED searched their records
5. I am appealing the adequacy of the Department of Navy's search. Responsive records would be in the possession of Navy BUMED, not DONFOIA-PA, Navy BUMED must perform searches and release all responsive records in their possession.
6. I am appealing the agency's determination that this is a complex request. It is a simple request.
7. I am appealing that the Agency failed to respond to my request within twenty working days and then failed to take the required actions.

APPELLATE AUTHORITY ACTION SOUGHT. I am seeking that the appellate authority:

1. Address each of the elements and sub-elements of the basis of my appeal separately;
2. Sustain each element and sub-element of my appeal.
3. Remand my FOIA request back to the Agency for direct reply to me; and,
4. Grant me new appellate rights following a subsequent reply by the Agency;
5. Provide the appellate determination in electronic format (PDF) via email to (b) (6) < Caution-[<mailto:\(b\) \(6\)>](mailto:(b) (6)) > (or with a link to AMRDEC Safe Access File Exchange Delivery); and
6. Post my request, all records released, this appeal and the final determination letter to the publicly accessible FOIAonline website, linked to my account.

With my respect,

/s/

Robert Hammond

From: DONFOIA-PA@navy mil < Caution-[<mailto:DONFOIA-PA@navy mil>](mailto:DONFOIA-PA@navy mil) > <DONFOIA-PA@navy.mil < Caution-[<mailto:DONFOIA-PA@navy.mil>](mailto:DONFOIA-PA@navy.mil) > >
Sent: Thursday, November 8, 2018 7:24 AM
To: (b) (6) < Caution-[<mailto:\(b\) \(6\)>](mailto:(b) (6)) >
Subject: Final Disposition, Request DON-NAVY-2018-003476

DON-NAVY-2018-003476 has been processed with the following final disposition: No Records